

By: Turner, Davis of Harris, Dukes, England,  
Pena, et al.

H.B. No. 109

Substitute the following for H.B. No. 109:

By: Davis of Harris

C.S.H.B. No. 109

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eligibility for and information regarding the child  
3 health plan program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 62.002(4), Health and Safety Code, is  
6 amended to read as follows:

7 (4) "Net [~~Gross~~] family income" means the [~~total~~]  
8 amount of income established for a family after reduction for  
9 offsets for child care expenses, in accordance with standards  
10 applicable under the Medicaid [~~without consideration of any~~  
11 ~~reduction for offsets that may be available to the family under any~~  
12 ~~other~~] program.

13 SECTION 2. Subchapter B, Chapter 62, Health and Safety  
14 Code, is amended by adding Section 62.056 to read as follows:

15 Sec. 62.056. COMMUNITY OUTREACH CAMPAIGN; TOLL-FREE  
16 HOTLINE. (a) The commission shall conduct a community outreach  
17 and education campaign to provide information relating to the  
18 availability of health benefits for children under this chapter.  
19 The commission shall conduct the campaign in a manner that promotes  
20 enrollment in, and minimizes duplication of effort among, all  
21 state-administered child health programs.

22 (b) The community outreach campaign must include:

23 (1) outreach efforts that involve school-based health  
24 clinics; and

1           (2) a toll-free telephone number through which  
2 families may obtain information about health benefits coverage for  
3 children.

4           (c) The commission shall contract with community-based  
5 organizations or coalitions of community-based organizations to  
6 implement the community outreach campaign and shall also promote  
7 and encourage voluntary efforts to implement the community outreach  
8 campaign. The commission shall procure the contracts through a  
9 process designed by the commission to encourage broad participation  
10 of organizations, including organizations that target population  
11 groups with high levels of uninsured children.

12           (d) The commission may direct that the Department of State  
13 Health Services perform all or part of the community outreach  
14 campaign.

15           SECTION 3. Section 62.101, Health and Safety Code, is  
16 amended by amending Subsection (b) and adding Subsection (b-1) to  
17 read as follows:

18           (b) The commission shall establish income eligibility  
19 levels consistent with Title XXI, Social Security Act (42 U.S.C.  
20 Section 1397aa et seq.), as amended, and any other applicable law or  
21 regulations, and subject to the availability of appropriated money,  
22 so that a child who is younger than 19 years of age and whose net  
23 [~~gross~~] family income is at or below 200 percent of the federal  
24 poverty level is eligible for health benefits coverage under the  
25 program. In addition, the commission may establish eligibility  
26 standards regarding the amount and types of allowable assets for a  
27 family whose gross family income is above 150 percent of the federal

1 poverty level.

2 (b-1) The eligibility standards adopted under Subsection  
3 (b) related to allowable assets:

4 (1) must allow a family to own at least \$10,000 in  
5 allowable assets; and

6 (2) may not in calculating the amount of allowable  
7 assets under Subdivision (1) consider:

8 (A) the value of one vehicle that qualifies for  
9 an exemption under commission rule based on its use;

10 (B) the value of a second or subsequent vehicle  
11 that qualifies for an exemption under commission rule based on its  
12 use if:

13 (i) the vehicle is worth \$18,000 or less; or

14 (ii) the vehicle has been modified to  
15 provide transportation for a household member with a disability;

16 (C) if no vehicle qualifies for an exemption  
17 based on its use under commission rule, the first \$18,000 of value  
18 of the highest valued vehicle; or

19 (D) the first \$7,500 of value of any vehicle not  
20 described by Paragraph (A), (B), or (C).

21 SECTION 4. Subchapter C, Chapter 62, Health and Safety  
22 Code, is amended by adding Section 62.1011 to read as follows:

23 Sec. 62.1011. VERIFICATION OF INCOME. (a) The commission  
24 shall continue employing methods of verifying the net income of the  
25 individuals considered in the calculation of an applicant's net  
26 family income. The commission shall verify income under this  
27 section unless the applicant reports a net family income that

1 exceeds the income eligibility level established under Section  
2 62.101(b).

3 SECTION 5. Section 62.102, Health and Safety Code, is  
4 amended to read as follows:

5 Sec. 62.102. CONTINUOUS COVERAGE. The commission shall  
6 provide that an individual who is determined to be eligible for  
7 coverage under the child health plan remains eligible for those  
8 benefits until the earlier of:

9 (1) the end of a period, not to exceed 12 months, [~~the~~  
10 ~~six-month period~~] following the date of the eligibility  
11 determination; or

12 (2) the individual's 19th birthday.

13 SECTION 6. Sections 62.154(a) and (d), Health and Safety  
14 Code, are amended to read as follows:

15 (a) To the extent permitted under Title XXI of the Social  
16 Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any  
17 other applicable law or regulations, the child health plan must  
18 include a waiting period and [~~The child health plan~~] may include  
19 copayments and other provisions intended to discourage:

20 (1) employers and other persons from electing to  
21 discontinue offering coverage for children under employee or other  
22 group health benefit plans; and

23 (2) individuals with access to adequate health benefit  
24 plan coverage, other than coverage under the child health plan,  
25 from electing not to obtain or to discontinue that coverage for a  
26 child.

27 (d) The waiting period required by Subsection (a) must :

1           (1) extend for a period of 90 days after[+  
2           [~~(1)~~] the last date on [~~first day of the month in~~]  
3 which the applicant was covered under a health benefits plan; and  
4           (2) apply to a child who was covered by a health  
5 benefits plan at any time during the 90 days before the date of  
6 application for coverage under the child health plan [~~is enrolled~~  
7 ~~under the child health plan, if the date of enrollment is on or~~  
8 ~~before the 15th day of the month; or~~  
9           [~~(2) the first day of the month after which the~~  
10 ~~applicant is enrolled under the child health plan, if the date of~~  
11 ~~enrollment is after the 15th day of the month]~~].

12           SECTION 7. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2007.